

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshino (US patent 5,222,706).

The patent to Hoshino discloses the invention as is claimed, including a wiper assembly (fig.1) having an elongate tubular frame (6) with a plurality of pivot mechanisms (3, 5), one at each end thereof. Each pivot mechanism has a flange portion with an arcuate surface (3c, fig.2) which fits over the tubular frame and a pin mounting portion as defined by sleeves which receive pins (4,9). The sleeves that receive the pins are shown in figure 1 and more clearly illustrated as in figure 3B, although it is not numbered. Retaining assembly (13) retains the pivot mechanisms to the tubular frame.

With respect to claim 1, defining the pin mounting portion as defining a sleeve for receiving a pin does not define any particular structure not disclosed by Hoshino. As set forth above, figure 3B clearly illustrates one of the sleeves which receives pin (9). At least a portion of the open surface (3c) lies between the sleeve and tubular frame member (6), note figure 3B. Therein, a portion of the open surface is illustrated by dashed line which will reside between the frame member

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and the portion of the sleeve illustrated by dashed line. Figure 1 also appears to show that a portion of the open surface that engages the tubular frame member will reside between the frame member and the sleeve.

With respect to claim 3, note figure 2 which shows a groove (3a) in the arcuate receiving surfaces. Such groove defines a pair of spaced ribs on opposite sides thereof.

With respect to claim 4, the flange portions appear as generally rectangular.

With respect to claim 5, the pin mounting portion does appear as transverse to the elongated surface of the generally rectangular shape.

### ***Response to Arguments***

Applicant's arguments filed 12 October 2007 have been fully considered but they are not persuasive. Applicant argues that Hoshino does not disclose a pin mounting portion defining a sleeve for receiving a pin. Such is not persuasive. As set forth above, Hoshino does disclose sleeves for receiving the pins (4,9). Such sleeves are shown in figure 1 and clearly illustrated in figure 3B. Looking to figure 3B, the downwardly extending tubular portion is a pin receiving sleeve and meets the claimed limitation. As set forth above, at least a portion of the open surface (3c) lies between the sleeve and tubular frame member (6), note figure 3B. Therein, a portion of the open surface is illustrated by dashed line which will reside between the frame member and the portion of the sleeve illustrated by dashed line. Figure 1 also appears to show that a portion of the open surface that engages the tubular frame member will reside between the frame member and the sleeve.

***Allowable Subject Matter***

Claims 6-11 are allowed.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/

Primary Examiner, Art Unit 3723

GKG

30 November 2007